

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ROVER PIPELINE LLC,

Plaintiff,

v.

MARK C. KANZIGG, *et al.*,

Defendants.

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Case No. 2:17-cv-0105

Chief Judge Algenon L. Marbley

Magistrate Judge Kimberly A. Jolson

ORDER

This matter is before this Court on the Plaintiff's Motions to Adopt the Special Commission's Report and Recommendation ("R&R") Regarding Property Owned By:

Judith Barrax (ECF No. 1006),

The Kanzigg Heirs (ECF No. 1007),

North American (ECF No. 1015),

TERA, LLC (ECF No. 1018).

The Motions are nearly identical. This Court therefore considers them together. Plaintiff has reviewed each R&R and believes them to be well reasoned and supported. Accordingly, Plaintiff requests that this Court adopt the R&Rs in their entirety. This Court has reviewed the R&Rs, noting no objections and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired.

For the reasons set forth below, this Court **GRANTS** Plaintiff's Motion to Adopt the Report and Recommendation of the Commission Regarding Property Owned by Judith Barrax (ECF No. 1006); Plaintiff's Motion to Adopt the Report and Recommendation of the Commission Regarding Property Owned by the Kanzigg Heirs (ECF No. 1007); Plaintiff's Motion to Adopt the Report and Recommendation of the Commission Regarding Property Owned by North American (ECF No.

1015); and Plaintiff's Motion to Adopt the Report and Recommendation of the Commission Regarding Property Owned by TERA, LLC (ECF No. 1018).

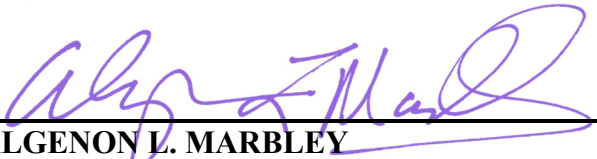
Pursuant to Rule 71.1(h)(2)(d) of the Federal Rules of Civil Procedure, the Report, and its authoring Commission, are governed by Rule 53 of the Federal Rules of Civil Procedure. Fed. R. Civ. P. 71.1(h)(2)(d); *see also* Instructions (ECF No. 722 at 9). Accordingly, once the Report is submitted, this Court may "adopt or affirm, modify, wholly or partly reject or reverse, or resubmit to the [Commission] with instructions." Fed. R. Civ. P. 53(f)(1); *see also* Instructions (ECF No. 722 at 9). In order to adopt a report and recommendation submitted under Civil Rules 71.1 and 53:

[t]he Commissioners 'need not make detailed findings such as judges do who try a case without a jury[,]' but they must 'reveal the reasoning they used in deciding on a particular award, what standard they tr[ie]d to follow, which line of testimony they adopt[ed], what measure of severance damages they use[d], and so on.' In short, '[t]he path followed by the commissioners in reaching the amount of the award' must be 'distinctly marked.'

Rover Pipeline LLC v. Rohrs, No. 3:17CV225, 2020 WL 807147, at *2 (N.D. Ohio Feb. 18, 2020) (quoting *U.S. v. Merz*, 376 U.S. 192, 198-99 (1964)). In this Case, each Report provides a detailed explanation of the Commission's procedure, basis, and reasoning. *See generally* Report (ECF Nos. 1003, 1004, 1015, 1018).

This Court therefore **ADOPTS** the R&Rs (ECF Nos. 1003, 1004, 1013, 1016) as this Court's findings of facts and law. The Motions (ECF Nos. 1006, 1007, 1015, 1018) are **GRANTED**. This matter is **DISMISSED**.

IT IS SO ORDERED.


ALGENON L. MARBLEY
CHIEF UNITED STATES DISTRICT JUDGE

DATED: January 5, 2024